

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESale PRICE )  
LITIGATION )  
\_\_\_\_\_ )

THIS DOCUMENT RELATES TO: )

*United States of America ex rel. Ven-a-Care of* )  
*the Florida Keys, Inc. v. Abbott Laboratories,* )  
*Inc., Civil Action No. 06-11337-PBS* )

MDL No. 1456

Master File No. 01-12257-PBS

Subcategory Case No. 06-11337 -PBS

Hon. Patti B. Saris

Magistrate Judge Marianne B. Bowler

**ORDER OF DISMISSAL**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), the United States, Relator Ven-A-Care of the Florida Keys, Inc., and Abbott Laboratories Inc. and Abbott Laboratories (“Abbott”) (collectively, the “Parties”) filed with this Court a Stipulation of Voluntary Dismissal in the above-captioned case. Upon due consideration of the Stipulation of Voluntary Dismissal,

**IT IS ORDERED** that:

1. Consistent with the terms of the December 7, 2010, Settlement Agreement executed by the United States, Abbott, and Relator (a copy of which is attached as Exhibit A), all civil monetary claims asserted on behalf of the United States in *United States ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, 06-21303-CV-GOLD (S.D. Fla.) (previously captioned *United States ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, 06-CV-11337-PBS (D. Mass.)), shall be dismissed with prejudice.

2. Each party shall bear its own costs and attorneys' fees.
3. The Court shall retain jurisdiction to enforce the terms, conditions, and releases of the Parties' Settlement Agreement to the extent reasonably necessary and appropriate.

IT IS SO ORDERED THIS \_\_ day of \_\_\_\_\_, 2010.

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THE HONORABLE PATTI B. SARIS  
UNITED STATES DISTRICT COURT JUDGE

cc: Counsel of Record